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State of Utah

DEPARTMENT OF NATURAL RESOURCES

Division of Oil, Gas & Mining

MICHAEL R. STYLER
Executive Director

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Division Director

Inspection Report

Minerals Regulatory Program

August 2, 2007

Supervisor 1007

Mine Name: Moss Rock Mining

Operator Name: Moss Rock Products, LLC
(Vern Tharp)

Permit number: S/049/059

Inspection Date: June 13, 2007

Time: 9:30 am

Inspector(s): Daron Haddock and Lynn Kunzler, DOGM

Other Participants: none

Mine Status: Active

Elements of Inspection	Evaluated	Comment	Enforcement
1. Permits, Revisions, Transfer, Bonds	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Public Safety (shafts, adits, trash, signs, highwalls)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3. Protection of Drainages / Erosion Control	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Deleterious Material	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5. Roads (maintenance, surfacing, dust control, safety)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Concurrent Reclamation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7. Backfilling/Grading (trenches, pits, roads, highwalls,	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8. Soils	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9. Revegetation	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Purpose of Inspection:

To check allegations made in a citizen complaint regarding this site.

Inspection Summary:

On May 21, 2007, the Division received a citizen complaint regarding activity at this site. Allegations made in the complaint included: 1.) road was being constructed on complainant's property, 2.) operator did not have County permits to construct the road, and 3.) the map provided with the complaint showed significant variation of the road alignment from what the approved NOI map showed.

During this inspection, the road was surveyed with a GPS and compared to the permit area map.

Observations made on site found that the operator had constructed a road. During construction, a couple minor drainages had been crossed (filled) with no apparent evidence that a culvert or French drain was in place. However, there was also no evidence noted that any significant flows occur in these drainages. The operator may need to install culverts if this road is approved to remain for post-mining access. Road construction was more extensive than the Division had anticipated and may require additional surety. The operator has also place gravel on the lower portions of the road.

Claim markers and 'no trespassing' signs posted by Keystone Surveys, Inc. were observed at a couple locations along the road. (location point surveyed with GPS).

At the upper end of the road, flagging continued for several hundred feet, and branched off at several locations. Phone conversations with the operator indicated that the flagging was routes for potential

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expansion in the future, and that he would amend his plan before any additional road work (or change in alignment from the NOI map) occurred.

Utah County Building and Development, Road Department and County Recorder's offices were also contacted to determine land status and if the County had or had not approved the road construction.

Photos were taken to document site conditions.

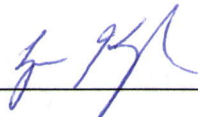
Conclusions and Recommendations:

As per County records, Utah County had approved the road construction. The County also provided the Division with a plat map showing the location and ownership of patented mining claims in the area. All claims are owned by Wilshire Consulting (Mr. Tharp's company) with the exception of one claim, which partially overlapped one of the Wilshire claims. However, according to the County, the Wilshire claim had precedence over the other claim on the overlapping portion. The locations of the 'no trespassing' signs and claim markers were on lands covered by the Wilshire claims.

The results of the GPS survey of the road showed that the road was located along the alignment identified in the NOI, and that it is entirely located on Wilshire claims. Any variation from the NOI alignment is apparently due to distance between survey points.

To conclude, it appears that this operation is in compliance with the approved NOI. Allegations made by the complainant are apparently without merit.

Inspector's Signature



LK:pb

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Investigation of allegations made regarding the Moss Rock Mining Operation,
Located in portions of Sections 22, 27, and 28; T9S, R2W, SLBM, Utah County, Utah,
File # S/049/059

Summary of allegations:


1. Unauthorized/unpermitted road construction had been observed on lands not under the ownership/control of the permittee.
2. The map provided to the Division with the complaint showed the approximate alignment of the constructed road varied significantly from the map provided in the NOI.

Findings:

1. Mr. Vern Tharp, under the name of Moss Rock Products, LLC submitted a Notice of Intent to Conduct Small Mining Operations for the subject area on October 10, 2006. The Division subsequently accepted this NOI and approved a Reclamation Contract and Reclamation Surety for this project on October 25, 2006.
2. Mr. Tharp's NOI indicated that his company, Wilshire Consulting Group, LLC, was the owner of the mineral and surface estate covered by his NOI. The Division contacted the Utah County Recorder's office to determine land ownership status. Their report indicated that all of the subject land proposed for Mr. Tharp's operation was indeed under his control via patented mining claims. There was one claim that overlapped a portion of Mr. Tharp's claims. Again the Utah County Recorder's office indicated that even though there was overlap, they considered Mr. Tharp's claim as having precedence (on the overlapping area).
3. The Utah County Planning and Zoning Office was contacted to determine whether Utah County had approved the proposed road construction as identified by the NOI. Again, the Division was told that the Utah County Road Supervisor had inspected the area and had approved the road construction.
4. During the Division's inspection of the site on June 13, 2007, the entire road was surveyed using a GPS data logger. Results of this GPS survey showed **no** significant difference in the proposed alignment compared to the constructed road.

Conclusions:

1. The NOI correctly identifies the landowner and the area of proposed disturbance.
2. The operator had the appropriate permits from Utah County and the Division to begin his mining operations as outlined in the NOI.
3. The Division does not adjudicate land disputes. If the complainant desires to pursue this matter, it would need to be in a venue outside of DOGM.



Lynn Kunzler, Senior Reclamation Specialist

August 14, 2007

Date